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ABSTRACT

The surfacing of battered wives as a specific problem comes out of the many social changes occurring in Britain and many other countries in the 1960's. It comes in part from the growing number of marriages, the peaking of the baby boom in 1959, a decrease in family size and a steady growth in female labor force participation. Importantly, women's status in modern society, like that of children previously, is now being defined separately from that of men, and is increasingly being brought under the jurisdiction of the state. An accumulation of social factors, including improved social assistance payments and other government transfer programs, makes family dissolution more possible and more visible. Additionally, current social developments serve to reveal the presence of violence within families rather than to make the violence worse. Contributors to domestic violence in general may include (1) the inability of husbands to modify their attitudes and demands in the face of quite marked social changes affecting their wives and their children, and (2) traditional sex stereotypes and dramatized violence broadcast through television and films. While it is true that wife-battering is one manifestation of the age-old phenomenon of domestic violence, perception of wife-battering as a problem to be remedied is a mark of social progress--progress that did not and will not happen automatically, but which will have to be fought for and defended. (RH)

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THE SOCIAL CONSTRUCTION OF WIFE BATTERING

A paper prepared for presentation at the Children and the Law Seminar sponsored by Canadian Bar Association and Department of Continuing Legal Education (Saskatchewan Section), Hotel Saskatchewan, Regina, Saskatchewan, May 8 and 9, 1980.

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THE SOCIAL CONSTRUCTION OF WIFE BATTERING

I have been asked to speak on the subject of wife battering within the context of the workshop topic of the child's environment--neglect of and violence toward children. Wife battering can obviously be seen as part of the child's environment, and one may say a very significant part; it is something in other words that is relevant to a child's welfare. It is also of course much more. Specifically the seminar program speaks of the problem of wife battering, and I think therefore we have to ask in what way it is a problem. I have suggested that it is a problem for children; it is also a problem for the women who are battered; and finally it can be said to be a social problem, because its manifestations and consequences have become visible to some extent at the public level.

But the question remains why a problem like wife battering becomes an issue for public concern and public action at one point in time and not at others. I have argued elsewhere that child abuse is not a new phenomenon, and the same is true for wife battering.[1] Moreover as with children there have been efforts in the past to protect at least the material well-being of women, largely through legal and financial sanctions against the men involved, be they legal or common-law husbands or putative fathers. At least part of this legal protection has been motivated by a desire to avoid women and children becoming a charge on the state. Even when the first state measures for income support were introduced, for

example, mother's allowances, some of the overt motivation was the avoidance of state responsibility for too many children; the allowances were directed towards the children, not the mothers.[2]

We are concerned here then with public responses to a range of human behaviors and activities which are by no means new developments or occurrences. I think psychological factors are important, but it seems to me that social factors and social arrangements are at least as important in defining the problem of wife battering and providing the context in which it occurs. There is or has been a heavy social disposition or predisposition to keep women and children together in what can be called the family unit. In the past social measures have simply served to maintain the integrity of the family unit or to promote its reintegration. As a society we have not paid too much attention to the forces that lead to the breakdown of the family unit.

In fact much of the effort of the child welfare services over the last 80 to 90 years has been to discourage parents and families from relinquishing their children. We have not cared to look at why some parents may have had good reasons for giving up their children. It seems to me that we can infer that a good many parents, and especially mothers, have seen giving up their children as the lesser of two evils, the alternative being quite inadequate material and emotional care within the family unit. I should say that I base most of these observations on a study of child welfare trends in Canada in the last twenty years, and on a reading of child welfare annual reports dating from the early years of this century. I believe similar observations hold true for other countries.

At this point I want to use the British experience to help trace

some of the history of social responses to problems of family breakdown. The English Poor Law dated from the early 16th century, and made both material or financial provision, and particularly in the nineteenth century residential provision for homeless or destitute people. Efforts were made from the late 19th century on to abandon the Poor Law, but though names were changed it was a very resistant social institution or set of ideas, concepts and prejudices.[4] One of the more major efforts was the National Assistance Act of 1948, which in its Part III carried forward the public responsibility for the residential care of homeless or indigent people, especially the elderly and handicapped, but also homeless families.

As a consequence since 1948 there has been an acknowledged responsibility for homeless families, which finds little if any parallel in Canada, where, with the exception of some of the Maritime provinces, there has never been a Poor Law. At times it has seemed to me that Canada has never had homeless families, yet as I know from my family counselling experiences local welfare departments have often had to resort to various stop-gap measures to house homeless families. The point of this example is not to compare Canada unfavourably with Britain, but rather to suggest that here is an example of a social phenomenon, namely homelessness,which has never reached the status of a social problem about which something should be done; no procedure has been devised , and no social provision made. In fact in England housing homeless families has been a headache, despite a much greater use of public housing there than here. Public housing accommodates perhaps 2 per cent of households in Canada, and of these more than half involve old people and the remainder low-income families.[5,6,7] The public housing sector accounts

for some 32 per cent of the total housing stock in the United Kingdom.[8] Arising out of these difficulties various protest groups in the 1960s began to squat in abandoned and condemned housing, and it was in this kind of milieu that Erin Pizzey began her work with battered women and their families.

We have a situation then in England, where for historical reasons there was a provision for homeless families, and where incidentally there was a variety of ad hoc provisions for discharged prisoners, drug addicts, the recovering mentally ill, and so on. The innovation of refuges for battered wives was not without precedent, and to some extent it can be said that already some legal responsibility lay with local authorities to make residential provisions for homeless women. However specific provision for battered wives was not made before the early 1970s, partly because their situation was only part of a wider, chronic, problem of homelessness.[9]

The surfacing of battered wives as a specific problem to be addressed comes I believe out of the many social changes occurring in Britain and many other countries in the 1960s. In Canada it comes in part from the growing number of marriages, a 56 per cent increase in marriages annually between 1951 and 1972, about 8 per cent involving remarriages for one of the parties concerned in 1951 and 17 per cent in 1977.[10] It comes also with a peaking of the baby boom in 1959, 460,000 births, only 360,000 today,[11] and a fall in family size from 3.9 in 1941 to 3.5 today.[12] It comes with a steady growth in female labour force participation; as of last December 49.6 per cent of women working, 52.4 per cent of the 15-19 year olds, 71.0 per cent of the 20-24 year olds,

and 45.6 per cent of women over 25 years old.[13]

The 1968 changes in divorce legislation, themselves a reflection of changing social trends and pressures, have served also to focus more attention on factors precipitating the breakdown of marriages. The changes over time are dramatic even though the situation before and after 1968 are not altogether comparable. During the period 1921 to 1968, the 1930s, the depression years, showed a marked increase in the number and rate of divorces; the immediate post-war period carried this much further, but the rates then continued the earlier, slower growth rate until the late 1960s. The pent-up demand for divorces seen at the end of the Second World War was repeated between 1968 and 1969. Nationally the total number rose from 11,343 to 26,093, and in Saskatchewan from 384 to 882; the rates rose from 54.8 to 124.2 per 100,000 of the population nationally, and from 40.0 to 92.1 in Saskatchewan. In 1977 nationally there were 55,370 divorces and a rate of 237.7 and in Saskatchewan 1,474 divorces and a rate of 157.4 (Table 1). This comparison of national and provincial figures serves to illustrate the wide variations still applying across Canada.[14]

Changes in divorce law mark a further step in what may be termed the state management of family life and family relations. This process in respect to children has been illustrated by two American sociologists, John Boli-Bennett and John W. Meyer, who argue that in the modern world the social role of childhood is increasingly differentiated from adulthood and brought under the jurisdiction of the state.[15] I think it can be argued that the same process is taking place with respect to women's status in modern society. It is being defined separately from that of

men. Clearly there are some benefits and some costs involved in this process for all concerned.

The value of looking at social phenomena from a longitudinal perspective is that trends and continuities can be identified as well as changes. In the case of divorce we can see that a number of factors are likely to account for the dramatic increase in recent years, and it is unwise to jump to the conclusion that there has been a sharp deterioration in the quality of family life. What recent statistics serve to make explicit are some of the circumstances which prevail in marriage and which precipitate divorce.

There may be more than one alleged ground for divorce, so that for the 55,370 divorces in 1977 in Canada, there were 74,680 grounds cited,divided as (1) marital offence, 30.3 per cent adultery, 15.0 per cent physical cruelty, 18.7 mental cruelty and 0.3 per cent other (including sodomy, bestiality, rape, homesexual acts and subsequent marriage), and (2) 2.4 per cent marriage breakdown by reason of addiction to alcohol, 30.1 per cent separation for not less than 3 years, 2.5 per cent desertion by petitioner for not less than 5 years and 0.7 other (including imprisonment for not less than 3 years, for not less than 2 years on sentence of death, or for a sentence of 10 years of more).[16] (Table 2)

In the period 1974 to 1977 the percentage of alleged grounds for physical cruelty rose from 13.8 through 13.9, 14.5 and 15.0. Similarly for mental cruelty the percentages were 16.2, 16.5, 17.7 and 18.7. The median number of years of marriage before divorce for the divorces occurring in the four years 1974-1977 was about 10.8. It is apparent

that there is a peaking between years four and seven. (Table 3) Another highly relevant factor is the presence of children. In the years 1974 to 1977 the percentage of divorces involving no children rose from 41.3 to 44.6, however this change may not be significant as figures for 1972 and 1973 were 44.2 and 43.3 respectively.[17]

Clearly childlessness itself can be a factor in precipitating divorce, though this may simply reflect earlier decisions to defer parenthood. We do not know to what extent cruelty or violence is a factor in childless marriages ending in divorce. However the absence of children or the presence of smaller numbers of children than in the past can make separation and divorce a very much more feasible economic proposition than in the past. (Table 4)

By now there is a voluminous literature on violence in the family whether involving children, or wives, or even both spouses and I do not propose to attempt to review this material. It is apparent that the recent academic interest in wife-battering stems from the earlier "discovery" of baby battering and child abuse, which to begin with were defined in medical and pediatric terms, and only later in social and sociological terms. Wife battering though as a phenomenon has been defined very much in a social context.[18]

I have already suggested homelessness as one possible indicator. After doing so I found reference to recent British research which shows that the biggest single cause of homelessness was marital breakdown with this being the cause of over half of one parent families approaching a major voluntary housing aid centre in London. Other factors were also present.

> "Unemployment was high: even in households with two adults of working age, over 40 per cent were both out of work at the time of homelessness. Other personal problems and special circumstances abounded: nearly two thirds had some special circumstances such as prolonged ill-health, disability or pregnancy"[19]

You may say what has all this to do with violence between spouses. The material reviewed so far suggests some of the factors precipitating family breakdown, whether it is described in terms of divorce or homelessness. Moreoever there is marked similarity between these factors and those prevailing in cases of child abuse and admission of children to care. When these factors have been ignored by public authorities, for example children not taken into care, or returned home prematurely, or wives advised to return home or literally having no where else to go, tragedies have quite often resulted.

The recent report by The Canadian Advisory Council on the Status of Women, Wife Battering in Canada: The Vicious Circle, does a very good job of reviewing the available Canadian and international evidence on wife-battering.[20]

The report makes the case that wife battering is not confined to one social class. I would not disagree with this view. However I would point out that socio-economic factors are still highly relevant. The surge in the number of divorces during the last twelve years is attributable in part to easier financial as well as legal access to divorce. Yet it is still obvious that escape from marriage is not easy for many women. Choosing to become a single parent head of a family means a virtually automatic choice of poverty defined in today's terms. The position of female single

parent led families has worsened in the period 1967 to 1977. At the same time the proportion of those families led by divorced mothers has risen from 6.2 per cent in 1966, to 12.3 per cent in 1971 and 20.9 per cent in 1976. The proportion of single parent, mother-led, families, where separation is involved has remained roughly the same at about 30 per cent (29.1 per cent in 1966 for "separated" and "other", 27.6 per cent in 1971 for "separated", and 4.8 per cent for "other", and 26.2 per cent for "separated in 1976 and 3.8 for "other"). The proportion of single parent, father-led families where separation is involved is about 25 per cent but the "other" category brings the proportion up to 38 per cent.[21]

The financial position of single parent, mother-led, families is quite precarious with approximately 187,000 or 43.7 per cent having incomes below the Statistics Canada revised "poverty lines" (i.e., "low income cut-offs") in 1977. Not surprisingly single parent families tend to live in older property than do husband and wife families and to own fewer household facilities and equipment. Nonetheless material factors obviously do not deter large numbers of people from seeking an escape from their marriages.

As with the case of more unmarried mothers keeping their babies rather than relinquishing them for adoption, it does seem likely that much improved social assistance payments, a consequence of the 1966 federal Canada Assistance Plan, and other government transfer programs, have made it more feasible for many wives to leave their husbands.

> "In 1967 approximately 56 per cent of all income for low income single parent families was from government transfer payments. This proportion increased to almost 65 per cent in 1973 and to 76% in 1975, then decreased slightly to 74 per cent in 1977.[23]

There has thus been a significant increase in the ratio of government transfer payments to total income among single parent families.

We begin to see I think an accumulation of social factors, which make family dissolution both more possible and more visible. It could well be argued that there are underlying changes in the social structure, among which the economic factors may be most important. The renewed emancipation of women--I say renewed because the acquisition of the franchise at the end of the First World War was not followed by a consolidation of the freedoms, which the vote was supposed to bring for women--is likely to stem from an increased demand for female labour at a time when the baby boom generations were growing up and fewer babies were being born (this decline continued from 1959 until the mid seventies). Some major social, economic and demographic trends have thus tended to coincide and in fact converge.

Looked at in this way the "discovery" or perhaps more correctly the increased awareness of wife battering and violence within marriage is not so surprising. Moreover the shock of discovery should not make us automatically think that the situation is getting worse. It may be, but the social developments I have been discussing all serve to reveal the presence of violence within families, rather than to make the violence worse. In fact domestic violence has been well known to lawyers, social workers, and policemen for many years.

In the mid sixties as a probation officer serving a London magistrates court during two mornings of office duty a week I saw an average of 100 women a month seeking court orders against their husbands. As we were open six mornings a week this meant perhaps 300 cases a month for a metropolitan population of about 250,000 people. Of course the cases varied in severity, and many women only wished to teach their husbands a lesson. But bringing one's private life to court is all the same a pretty extreme step. In later years in family counselling agencies in Canada, 100 new cases a month in a city of just over 50,000 people were not uncommon. Interestingly in these counselling cases violence was rarely ever mentioned. Again though it was women, who usually brought their grievances. What often appeared to be the problem was an inability on the part of husbands to modify their attitudes and demands in the fact of quite marked social changes affecting their wives and their children. The conflict of values could be seen very clearly in immigrant families, but it was present too in many Canadian men holding very traditional views, who were often highly authoritarian and resistant to change.

There are likely to be many other contributors to domestic violence. It is likely that the media, especially television and films have built on traditional stereotpyes of masculine behaviour and thereby reinforced perceptions of appropriate activities in relation both to men and to women. There has been concern for many years that television may actually encourage violence. Some of the early research did not conclusively show this, but more recent work appears to be more persuasive on this point. In any case the effect of dramatized violence in the media

may simply be to reinforce earlier learnt attitudes. What may be new is the effects of television on a mass audience. We may be seeing a diffusion of attitudes and values previously held by only a few people. It is this spread of ideas in combination with both traditional values and the presence of other potentially dangerous ingredients such as alcohol, drugs, firearms, and automobiles which may create at least the illusion, if not the reality, of a more dangerous and violent society than we have known in the past. Some of this "violent" behaviour is likely to carry over into the domestic domain. In fact it may thrive in the privacy of the home, where community controls and sanctions cannot effectively reach.

Conclusion

I would argue that wife-battering is one manifestation of domestic violence. Violence between human beings is an age-old phenomenon, but has been regulated in human societies by community sanctions. Violent behaviour in some contexts has been approved whether in tests of manhood or in war. Men have tended to be the dominant partner in relationships with women due to their greater physical strength, and this has tended to be reflected in man-made laws regulating relationships and property.

Industrialization and the related growth of the state have led to increased regulation of all citizens, both in terms of control and protection and in the promotion of the interests of the state. Thus we have seen the gradual definition of childhood, and the identification of a status for women, distinct from that of men. Once this has occurred, it has become possible to assert and to protect the rights of women. Legal regulation is not sufficient for the implementation of these rights.

Social institutions and arrangements have to be devised, which make it possible for women to assume and assert their equal status with men. Criminal and civil law is involved. The state is involved in the provision of a variety of material and financial supports. The economy is involved first in making some of the material provisions possible, and second in permitting women to work and gain a measure of financial independence. These changes do not occur automatically; institutional inertia as well as personal resistance mean that women's rights have to be fought for and defended.

As with rape, wife-battering reflects some of the traditional inequality between the sexes, partly physical, partly legal, partly financial and partly psychological. But perception of wife-battering as a problem to be remedied is a mark of social progress. The social indicators reviewed in this paper serve to delineate some of the extent to which inequality and violence exist within marriage and between the sexes. These indicators also reflect some of the remedies so far used to rectify these problems. Reduced tolerance of violent behaviour may itself be a step towards preventing violence. However many of the forces which have permitted violence to be a constant part of human relationships are still present. Moreover there are some newer forces, which may reinforce the use of violent behaviour.

What is therefore needed is (1) continued assertion of women's rights, (2) continued and expanded provisions of social and legal remedies, e.g., income support, ready access to legal support, and housing provisions, and (3) a systematic educational campaign against the use of violence. Violence in human affairs is unlikely to be eliminated, but it can be greatly reduced.

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TABLE 1

DISSOLUTIONS OF MARRIAGE (DIVORCES) & RATES, 1921 - 1977
(PER 100,000 POPULATION)

	Canada		Sask.	
	No.	Rate	No.	Rate
1921	558	6.4	59	7.8
1922	543	6.1	35	4.6
1926	608	6.4	50	6.1
1931	700	6.8	55	6.0
1936	1,570	14.3	84	9.0
1941	2,462	21.4	146	16.3
1946	7,757	63.1	505	60.6
1951	5,270	37.6	226	27.2
1956	6,002	37.3	221	25.1
1961	6,563	36.0	251	27.1
1966	10,239	51.2	321	33.6
1967	11,165	54.8	399	41.6
1968	11,343	54.8	384	40.0
1969	26,093	124.2	882	92.1
1970	29,775	139.8	871	92.6
1971	29,685	137.6	816	88.1
1972	32,389	148.4	827	90.3
1973	36,704	166.1	887	97.7
1974	45,019	200.6	1,039	114.6
1975	50,611	222.0	1,131	123.2
1976	54,207	235.8	1,207	131.0
1977	55,370	237.7	1,474	157.4

Statistics Canada, Vital Statistics Vol. II, Marriages & Divorces 1977, pp. 28 & 29.

TABLE 2

ALLEGED GROUNDS FOR DIVORCES BY TYPE OF OFFENCE AND REASONS FOR MARITAL BREAKDOWN, CANADA 1974 - 1977

Alleged Grounds	1974 No.	%	1975 No.	%	1976 No.	%	1977 No.	%	1974-77 No.	%
Marital Offence										
Adultery	17,806	29.4	20,356	30.0	22,182	30.4	22,649	30.3	82,993	30.1
Physical cruelty	8,340	13.8	9,387	13.9	10,605	14.5	11,221	15.0	39,553	14.3
Mental cruelty	9,774	16.2	11,204	16.5	12,916	17.7	13,981	18.7	47,875	17.4
Other 1	174	0.3	185	0.3	199	0.3	207	0.3	765	0.3
Sub-Total	36,094	59.7	41,132	60.7	45,902	62.9	48,058	64.3	171,186	62.1
Marriage breakdown by reason of										
Addiction to alcohol	1,607	2.7	1,658	2.4	1,806	2.5	1,791	2.4	6,862	2.5
Separation for not less than 3 yrs.	20,415	33.8	22,376	33.0	22,623	31.0	22,447	30.1	87,861	31.8
Desertion by petitioner not less than 5 yrs.	1,778	2.9	2,001	3.0	2,061	2.8	1,870	2.5	7,710	2.8
Other 2	535	0.9	602	0.9	621	0.8	514	0.7	2,272	0.8
Sub-Total	24,335	40.3	26,637	39.3	27,111	37.1	26,622	35.7	104,705	37.9
Total 3	60,429	100.0	67,769	100.0	73,013	100.0	74,680	100.0	275,891	100.0

1. include sodomy, bestiality, rape, homosexual act and subsequent marriage.
2. include imprisonment for not less than 3 yrs, for not less than 2 yrs on sentence of death or sentence of 10 yrs or more, addiction to narcotics, whereabout of spouse unknown, non-consummation.
3. more than number of divorces because some divorce decrees involve more than one ground.

Source: Statistics Canada, Vital Statistics, Volume II Marriage and Divorces 1977, Catalogue 84-205 Annual, p. 42.

TABLE 3

DIVORCES BY DURATION OF MARRIAGE AND MEDIAN DURATION OF MARRIAGE, CANADA 1974-77

	1974		1975		1976		1977		1974-1977	
	Divorces	%	Divorces	%	Divorces	%	Divorces	%	Divorces	%
Under 1 yr.	105	0.2	127	0.2	153	0.3	148	0.3	533	0.3
1 yr.	716	1.6	872	1.7	1,026	1.9	1,144	2.1	3,758	1.8
2 yrs.	1,457	3.2	1,662	3.3	1,863	3.4	2,061	3.7	7,043	3.4
3 yrs.	2,019	4.5	2,285	4.5	2,585	4.8	2,701	4.9	9,590	4.7
4 yrs.	2,794	6.2	3,063	6.1	3,411	6.3	3,610	6.5	12,878	6.3
1-4 yrs.	6,986	15.5	7,882	15.6	8,885	16.4	9,516	17.2	33,269	16.2
5 yrs.	2,797	6.3	3,277	6.5	3,525	6.5	3,779	6.8	13,378	6.5
6 yrs.	2,730	6.1	3,216	6.4	3,558	6.5	3,583	6.5	13,087	6.4
7 yrs.	2,671	5.9	3,096	6.1	3,259	6.0	3,565	6.4	12,594	6.1
8 yrs.	2,356	5.2	2,839	5.6	2,919	5.4	3,032	5.5	11,146	5.4
9 yrs.	2,129	4.7	2,435	4.8	2,741	5.1	2,781	5.0	10,036	4.9
5-9 yrs.	12,686	28.2	14,863	29.4	16,002	29.5	16,740	30.2	60,291	29.3
10-14 yrs.	8,164	18.1	8,987	17.7	9,844	18.2	10,033	18.1	37,028	18.1
15-19 yrs.	5,923	13.2	6,757	13.4	6,872	12.7	6,631	12.0	26,183	12.8
20-24 yrs.	4,755	10.6	4,996	9.9	5,203	9.6	5,132	9.3	20,086	9.8
25-29 yrs.	3,263	7.3	3,583	7.1	3,633	6.7	3,567	6.4	14,046	6.8
30+	3,034	6.7	3,356	6.6	3,548	6.5	3,537	6.4	13,475	6.6
Not Stated	103	0.2	60	0.1	67	0.1	66	0.1	296	0.1
Total	45,019	100.0	50,611	100.0	54,207	100.0	55,370	100.0	205,207	100.0
Median Duration of Marriage	11.5		11.1		10.8		10.5		10.9	

TABLE 4

DIVORCES* BY NUMBER OF DEPENDENT CHILDREN, CANADA, 1974 - 1977

	1974		1975		1976		1977		1974-77	
Number of children	No.	%	No.	%	No.	%	No.	%	No.	%
None	18,588	41.3	21,458	42.4	23,996	44.3	24,670	44.6	88,712	43.3
1	10,277	22.8	11,523	22.7	12,272	22.6	12,576	22.7	46,648	22.7
2	8,817	19.6	9,985	19.7	10,523	19.4	11,166	20.2	40,491	19.7
3	4,349	9.7	4,643	9.2	4,726	3.7	4,536	8.2	18,254	8.9
4	1,850	4.1	1,904	3.8	1,793	3.3	1,659	3.0	7,206	3.5
5+	1,138	2.5	1,098	2.2	897	1.7	763	1.3	3,896	1.9
Total	45,019	100.0	50,611	100.0	54,207	100.0	55,370	100.0	205,207	100.0

* only those filed under the new divorce legislation of July 2, 1968.

Source: Vital Statistics 1977 Volume II Marriage and Divorces p. 41.